

**REMARKS/ARGUMENTS**

Claims 1-5 and 9 now stand in the present application, claim 1 having been amended, claims 6-8 having been cancelled and a new claim 9 having been added. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has objected to the title of the invention as not being descriptive. As noted above, applicant has amended the title of the invention and accordingly the Examiner's objection to the originally filed title is believed to have been overcome.

The Examiner has also rejected all of claims 1-8 under 35 U.S.C. §102 as being anticipated by or under 35 U.S.C. §103 as being obvious over Civanlar. In view of the above described claim amendments, the Examiner's §102 and §103 rejections of the claims are believed to have been overcome, as will be described in greater detail below.

The amended claims now recite a "first router" which corresponds to the ATM access router 7 of Figure 1, referred to at page 3, line 31 of the present application. Applicant's invention allows a network to automatically configure itself to keep traffic at the ATM level as much as possible.

In order to do this, a router such as the access router 7 (the now claimed "first router") is required which is able to receive ATM cells and either forward them directly to an ATM switch (e.g. the ATM switches 6 in Figure 1) or assemble the ATM cells into IP datagrams and forward them to an IP router (over any old link layer protocol which might be ATM or might be, for example, an Ethernet connection, a frame relay connection, etc.) (e.g. to the IP routers 5 in Figure 1).

Such a router is simply not present in Civanlar. In Civanlar the switched network (e.g. switched network 160 in Figure 2) is always a switched network and nothing in it ever looks at what is going on in the IP layer. Nothing in the switched network could therefore decide to reroute some data via a set of ATM switches towards the ultimate destination because it has no idea what that ultimate destination is; it can simply provide a fixed link to the first IP hop router (i.e. ISP 209). Thus nothing in the switched network 160 is a "router operating in accordance with a best-effort packet-routing protocol" as claimed in amended claim 1 and newly added claim 9; naturally, such routers appear in the Civanlar system elsewhere (e.g. ISP 209 and "Internet" 150) but these are never involved in the subsequent circuit-switched connection set up in Civanlar and so there is no first router which operates according to both a best-efforts protocol and a switched virtual circuit protocol as claimed in amended claim 1 and newly added claim 9.

As mentioned above, this architecture of Civanlar is, therefore patently distinguishable from applicant's invention where routers, such as the ATM access router

REECE  
Appl. No. 09/913,583  
February 24, 2006

using ATM as a link layer protocol. In this case, the network can access the IP layer information and thus ascertain the ultimate destination for the traffic and thus decide to set up a cut-through or by-pass at the ATM level for appropriate traffic. The difficulty, realized by the present inventor, was in deciding what traffic to route in this way and what to continue routing on a best-efforts basis. The solution claimed in the present application is to let the customer decide, not the network. This, Applicant submits, was quite innovative thinking at the time of the invention, and contrary to the way that the industry at the time was thinking of going.

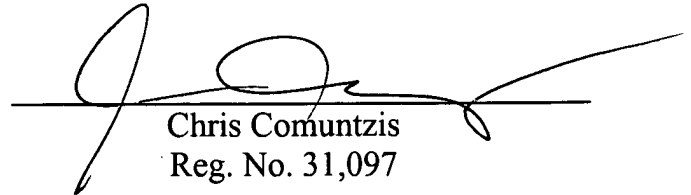
Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-5 and 9, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes to be resolved to either a supplemental response or Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

REECE  
Appl. No. 09/913,583  
February 24, 2006

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



Chris Comuntzis  
Reg. No. 31,097

CC:vc  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100